

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

_____)	
UNITED STATES OF AMERICA,)	
Complainant,)	8 U.S.C. § 1324a Proceeding
)	
v.)	OCAHO Case No. 97A00148
)	
WESTHEIMER WASH CORPORATION)	Judge Robert L. Barton, Jr.
D/B/A BUBBLES CAR WASH,)	
Respondent.)	
_____)	

**ORDER GRANTING RESPONDENT'S
FIRST MOTION FOR EXTENSION**

(November 17, 1997)

During the telephone prehearing conference on October 7, 1997, I set January 23, 1998, as the date for completion of discovery. In order to ensure that discovery was completed by that date, in the October 24, 1997 Order Governing Prehearing Procedures I set November 17, 1997, as the date for serving discovery requests. Respondent now has requested that the November 17 date be vacated, and that a three week extension be granted for service of discovery requests. Respondent states that Complainant does not object to this request.

I grant Respondent's motion, and thus the new date for service of all discovery requests is December 8, 1997. However, since an extension is being granted, the parties must take steps to insure that any discovery requests must be received by opposing counsel no later than December 8. Since responses to the discovery are due not later than thirty days after service, all responses must be served not later than January 8, 1998. Although I am extending the time to make formal discovery requests, I remind the parties that, in accordance with the discussion during the prehearing conference, PHC Tr. 30-32, they should attempt to obtain information voluntarily before resorting to formal discovery requests.

Although neither party has requested an extension of the date set for filing discovery motions, which currently is January 8, 1998, if responses are not served before January 8, it would be difficult to file discovery motions by that date. Therefore, *sua sponte* I will extend the time for filing discovery motions until January 23, 1998. The parties are reminded that they must attempt to

resolve any discovery disputes before applying to the Court for relief and must include a certification of such efforts with any motion to compel. See OGPP; Fed. R. Civ. P. 37(a)(2)(B).

ROBERT L. BARTON, JR.
ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of November, 1997, I have served the foregoing Order Granting Respondent's First Motion for Extension on the following persons at the addresses shown, by first class mail, unless otherwise noted:

Lisa Luis
Assistant District Counsel
Immigration and Naturalization Service
126 Northpoint Drive, Room 2020
Houston, TX 77060
(Counsel for Complainant)
(by fax and first class mail)

William Lawrence, President
Westheimer Wash Corp.
d/b/a Bubbles Car Wash
4303 FM 1960 W.
Houston, TX 77068
(Respondent)

Brian K. Bates, Esq.
Quan, Burdette & Perez
5177 Richmond Ave., Ste. 800
Houston, TX 77056
(Counsel for Respondent)
(by fax and first class mail)

Dea Carpenter
Associate General Counsel
Immigration and Naturalization Service
425 "I" Street, N.W., Room 6100
Washington, D.C. 20536

Office of the Chief Administrative Hearing Officer
Skyline Tower Building
5107 Leesburg Pike, Suite 2519
Falls Church, VA 22041
(Hand Delivered)

Linda Hudecz
Legal Technician to Robert L. Barton, Jr.
Administrative Law Judge
Office of the Chief Administrative Hearing Officer
5107 Leesburg Pike, Suite 1905
Falls Church, VA 22041
Telephone No.: (703) 305-1739
FAX NO.: (703) 305-1515